

KOHN, SWIFT & GRAF, P.C.

Since its founding in 1969, the firm of Kohn, Swift & Graf, P.C., has been a national leader in class actions and other complex commercial litigation. The firm has 18 lawyers, 1 law clerk, 4 paralegals and an administrative staff of 22. Over its more than 30 year history, the firm has continuously been involved in securities, antitrust and other class actions and was one of the first law firms in the country to handle shareholder class and derivative litigation.

Kohn, Swift & Graf, P.C. and its shareholders have been selected by courts and co-counsel to be lead counsel, or members of the executive committee of counsel, in scores of class actions throughout the country in the securities fraud, antitrust, tort and consumer protection fields. Recently, the firm has been lead counsel in the Marcos Human Rights Litigation and co-lead counsel in the Holocaust Era cases and other ground breaking international human rights litigation which have resulted in settlements in the billions of dollars for the plaintiff class. The firm also maintains a general business litigation practice representing plaintiffs and defendants, including major, publicly traded corporations, in state and federal courts.

Unlike many "class action lawyers," the firm has a strong history of taking major class actions and other complex cases through trial. Two of the firm's senior members, Joseph C. Kohn and Robert A. Swift, have each tried class actions and complex cases and won multimillion dollar jury verdicts for the plaintiff classes, including two during 2004.

The Kohn firm has been a leader in the prosecution of antitrust class actions for the past 30 years. The firm is lead or co-lead counsel in the following pending or recently

concluded antitrust class actions: In re Automotive Refinishing Paint Antitrust Litigation, MDL No. 1426, Master Docket No. 01-CV-2830 (E.D. Pa.); In re Plastics Additives Antitrust Litigation, Master Docket No. 03-CV-2038-LDD (E.D. Pa.); In re Sulfuric Acid Antitrust Litigation, MDL Docket No. 1536, Master File No. 03 C 4576 (N.D. Ill.); In re Compact Disc Minimum Advertised Price Antitrust Litigation, MDL No. 1361 (D. Me.) (settlement totaling \$143 million approved); In re Graphite Electrodes Antitrust Litigation, MDL No. 1244 (E.D. Pa.) (\$133.5 million in settlements have been obtained for the class); In re Automotive Refinishing Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (settlement of \$18.75 million with one defendant; litigation continuing against other defendants); In re Stock Exchanges Options Antitrust Litigation, MDL No. 1283 (S.D.N.Y.) (settlements reached with over 40 defendants for \$84 million); In re Pillar Point Partners Antitrust Litigation, MDL No. 1202 (D. Arizona) (settlements of \$50 million); In re Metal Building Insulation Antitrust Litigation, C.A. No. H-96-3490 (S.D. Tex.) (settlements with four defendants approved, and case proceeding); In re Abrasive Grains Antitrust Litigation (W.D.N.Y.); Sorbate Price Cases, J.C.C.P. No. 4073 (Superior Court for the State of California, City and County of San Francisco (action on behalf of indirect purchasers of Sorbates settled for \$8.8 million).

The Kohn firm has maintained a business litigation practice and represented private clients as plaintiffs in securities and antitrust cases where it was the sole counsel, or assisted by a few co-counsel. These cases were hard fought and several have proceeded through trial and appeals: Mike's Train House v. Lionel (E.D. Mich. 2004) (\$41 million jury verdict); Alvord-Polk, Inc. v. F. Schumacher & Co., 37 F.3d 996 (3d Cir. 1994), cert. denied, 514 U.S. 1063 (1995) (summary judgment in favor of defendants reversed by Third Circuit; certiorari

denied by the Supreme Court; case tried to conclusion before a jury and settled after trial); Gulfstream III Associates, Inc. v. Gulfstream Aerospace Corp., 995 F.2d 425 (3d Cir. 1993) (jury verdict in favor of plaintiff; case settled); Big Apple BMW, Inc. v. BMW of North America, Inc., 974 F.2d 1358 (3d Cir. 1992), cert. denied, 507 U.S. 912 (1993) (summary judgment in favor of defendant reversed by Third Circuit; case settled prior to trial).

The Kohn firm has prosecuted securities class actions for the past 30 years. The firm has been lead or co-lead counsel in the following securities class actions among others: In re Nantucket Island Associates Limited Partnership Unitholders Litigation, Civil No. 17379-NC (Delaware Court of Chancery) (Court approved a settlement in the amount of \$9.75 million in May 2003); Alexander v. Two Winthrop Properties, Inc., et al., Civil No. 00-005602, currently pending in the Superior Court of the District of Columbia; In re Schulman Partnerships Securities Litigation, MDL 753- AAH (C.D. Ca.); Goldenberg, et al. v. Marriott PLP Corp., et al., No. PJM 95-3461 (D. Md.); In re: Intelligent Electronics, Inc. Securities Litigation, Master File No. 92-CV-1905 (E.D. Pa.); WEBBCO v. Tele-Communications, Inc., et al., No. 94-WM-2254 (D. Colo.); The Carter Revocable Trust v. Tele-Communications, Inc., et al., No. 94-WM-2253 (D. Colo.); Rabin v. Concord Assets Group, Inc., et al., 89 Civ. 6130 (LBS) (S.D.N.Y.); Sadler v. Stonehenge Capital Corp., et al., 89 Civ. 6512 (KC); Ramos, et al. v. Patrician Equities Corp., et al., 89 Civ. 5370 (TPG) (S.D.N.Y.); In re Advacare Securities Litigation, (E.D. Pa. 1993); Solo, et al. v. Duval County Housing Finance Authority, et al., No. 94-1952-CA (Duval Cty. Fla.); In re Clinton Oil Securities Litigation, (D. Kan. 1982).

**ROBERT A. SWIFT**

**Background:** Born 1946. College: **Haverford College**, B.A. 1968. Law School: **New York University School of Law**, J.D. 1973. Admitted: Penna. Bar (1973), US Supreme Court (1978), and numerous Federal District and Circuit Courts nationally

**Legal concentration:** complex civil litigation, including class actions, representing both individuals and corporations. Conducted trials and appeals in state and federal courts throughout the country. Major cases argued: **Pennsylvania v. Union Gas Company**, 491 U.S. 1 (1989); **In re Ferdinand E. Marcos Human Rights Litigation**, 25 F.3d 1467 (9th Cir. 1994); 103 F.3d 767 (9<sup>th</sup> Cir. 1996); **Murtagh v. County of Berks**, 535 Pa. 50 (1993); **Balazik v. County of Dauphin**, 44 F.3d 209 (3rd Cir. 1995). Lead or Co-Lead counsel in: **Marcos Human Rights Litigation** (D.HI); **Amino Acid Lysine Litigation** (N.D.IL); **Holocaust Swiss Bank Litigation** (E.D.NY); **European Insurance Holocaust Litigation** (S.D.NY); **German/Austrian Bank Holocaust Litigation** (S.D.N.Y.).

**Books and Articles About:** "Human Rights Crusader," Nat'l Law J. 5/12/97; "Hitting A Home Run," ABA Litigation Magazine, spring 1997; "The Marcos Loot," Asiaweek 10/13/95; "Winning," Nat'l Law J. 3/13/95; "Taking Tyrants To Court," American Lawyer, Oct. 1991; CBS Evening News, September 2001; Eizenstat, Imperfect Justice (Public Affairs 2003); Authers & Wolfe, The Victim's Fortune (Harper Collins 2002).

**Author:** Book, "The NLRB and Management Decision Making" (Univ. Pa. 1974). Articles: "Plant Relocation: Catching Up With the Runaway Shop," 14 Bost. Coll.L.Rev. 1135 (1973); "NLRB Overkill: Predictions of Plant Relocation and Closure," 8 Ga.L.Rev. 77 (1974); "In the Eye of the Human Rights Storm," 58 Phila. Bar Assoc. Quart. 38 (1995); "The Financial Underside to the Holocaust Litigation," 20 Card. L.Rev. 521 (Dec. 1998).

**Awards:** National Law Journal (1995) named one of the 10 best trial attorneys in the country; Finalist, Trial Lawyer of the Year Award given by the Trial Lawyers for Public Justice, (1994, 1995, 1997 and 2000); Finalist, National Law Journal Trial Lawyer of the Year (2000); Phila. Bar Assoc. Human Rights Award (1998); Haverford College Forman Award (1995).

**Speaking Engagements:** Keynote speaker at "Legal Ethics and the Holocaust", University of Houston Legal Symposium (September, 2000); United Nations' Task Force on Racism in the Third World (November, 2000); Haverford College; Swarthmore College; Cardozo Law School; New York University School of Law; Temple University Law School; CLE Course on Terrorism (2003).

**Community Activities:** Board of Managers of Haverford College (1993 to present); Chairman of Philadelphia Youth Tennis (1986 to present), a charitable organization which provides tennis instruction to 7,500 youth in the Philadelphia region. Frequent speaker at colleges and universities.